

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

COURTHOUSE NEWS SERVICE,

Plaintiffs,

v.

PAMELA Q. HARRIS, ET AL.,

Defendants.

No. 1:22-cv-00548-JRR

* * * * *

DECLARATION OF PAMELA Q. HARRIS

Pamela Q. Harris hereby declares and affirms as follows:

1. I am more than 18 years of age and competent to testify, upon personal knowledge, to the facts set forth herein.

2. I am the State Court Administrator for Maryland's Administrative Office of the Courts ("AOC"). I have held this position since 2013. I have worked for and in the Maryland Judiciary for over 35 years. I held the position of Trial Court Administrator for the Circuit Court for Montgomery County between 1989 and 2013.

3. As the State Court Administrator, I provide oversight and strategic planning, direction and monitoring of court administrative activities for all State courts. I am responsible for Human Resources, Facilities Administration, Budget and Finance, Procurement and Contracts Administration, Legal Affairs, Family Administration, Office

of Problem-Solving Courts, Access to Justice Commission, Program Services Unit and Judicial Information Systems.

4. As stated on its website, AOC is the central support agency for Maryland's judicial branch and provides a broad range of support services to Maryland's courts including in operations, information technology, management, financial, administration, and programs.

5. To my knowledge, historically, the varying clerks' offices for the circuit courts of Maryland did not have a "press bin" or "press box" as described and claimed by CNS.

6. To my knowledge, historically, the practice of the varying clerks' offices for the circuit courts of Maryland was to only provide access to newly/recently submitted civil filings, including newly submitted civil complaints, to the public after the requested submittal was reviewed by the respective clerk's office and filed/docketed. This includes any request to review a filing by the press. CNS's contrary description is incorrect.

7. Maryland's electronic case management system is Odyssey. The first time Odyssey was implemented in any Maryland State court was in 2014. Maryland's electronic filing program used by attorneys and other authorized users is known as "File and Serve." Maryland's Electronic Court ("MDEC") applications include products from Tyler Technologies, Inc. ("Tyler"). "MDEC" refers collectively to a suite of applications, including File and Serve and Odyssey.

8. Tyler is used in MDEC courts to provide a computer software platform for electronic filing of court papers/records. Unlike how CNS obtained and calculated data in

this case, AOC and Tyler were capable of and did effectively monitor and track, with precision, the actual data at issue in this case. AOC obtained all relevant data directly from Tyler.

9. The clerks for the 24 circuit courts of Maryland and their offices do not have any authority or control over MDEC policies and procedures. Rather, that is handled at the AOC level. Specifically, the clerks for the 24 circuit courts of Maryland and their offices have no ability to effectuate the change(s) CNS desires in this case. This is especially true for the 22 clerk Defendants in this case. Instead, the authority and control over MDEC policies and procedures rests mainly with me as the State Court Administrator.

10. I have been involved with the implementation of MDEC in every Maryland circuit court in which MDEC is utilized. There is a clear learning curve for clerks and staff in implementing and using MDEC.

11. The Circuit Court for Baltimore City and the Circuit Court for Prince George's County are the only two non-MDEC courts in Maryland and, therefore, the only two clerks of court who are not Defendants in this suit. They continue to use a "paper filing" system. In these two jurisdictions, newly submitted civil complaints for filing are submitted either by mail or hand-submitted in the clerks' offices for eventual filing and docketing. My understanding, based on my 35+ years with the Maryland Judiciary, is that this was the case in all circuit courts in Maryland prior to the implementation of MDEC at each of the 22 circuit courts using MDEC.

12. Bill Girdner, the editor of CNS, incorrectly stated in his October 1, 2021, letter to me that CNS's requested "press queue" would be free to install and implement in

MDEC. Tyler confirmed that CNS's requested "press queue" would cost the Maryland Judiciary and, therefore, the State and Maryland taxpayers, at least \$108,000 per year, so that CNS may have the instantaneous access it desires for its business purposes to newly submitted civil complaints.

13. Prior to February 14, 2022, I had never received any communication from CNS or anyone on behalf of CNS indicating that CNS had any concerns specific to actual alleged "delays" in Maryland's docketing of newly submitted civil complaints.


14. In response to CNS's counsel's February 14, 2022, letter to me, I instructed others at and within AOC to confirm the timeliness of the filing and docketing of newly submitted civil complaints.

15. In response to CNS's counsel's February 14, 2022, letter to me, I also instructed others at and within AOC to investigate the possibility of implementing an alternative to CNS's desired "press queue" that would be less costly (or perhaps even free) to State taxpayers and the Judiciary, as well as in compliance with the Maryland Rules of Civil Procedure. Tyler reported that it could create and implement a new "queue" that essentially isolates newly submitted civil complaints to be reviewed by clerks' offices for filing and docketing. This new "queue" was free of cost to the State. I authorized the implementation of the new "queue," which was effective on or about April 25, 2022, in some MDEC circuit courts. It was later implemented in the remaining MDEC circuit courts on or about May 3, 2022. This new queue has already had significant results in terms of minimizing the time between newly submitted complaints and their filing/docketing.

16. On or about February 15, 2022, AOC began publishing on the Maryland Judiciary Case Search website a daily report containing a list of every new public case created in each MDEC court each day.

I hereby affirm, under the penalty of perjury, that the contents of the foregoing are true and correct.

05/31/22
Date


Pamela Q. Harris